

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 24, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Ashok Aurora, Hindu.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -approved The minutes of the regular meeting of August 24, 1999, were approved 7 to 0.

ADDENDUM ITEM PUBLIC AGENDA

Comments by Mr. Warren Carter

Warren Carter Mr. Carter addressed an assessment, by the Health Department, for nuisance abatement placed on property at 1511 North Poplar. Mr. Carter said the property had not been boarded up, mowed, or cleaned-up by the Health Department. There has been bobcat damage; however, Mr. Carter said he stopped the work. There is now, with interest added, a \$2,65.74 assessment.

Mayor Knight Mayor Knight suggested that Mr. Carter meet with OCI and Law Department. The City of Wichita takes exception to what Mr. Carter is saying.

UNFINISHED BUSINESS

CU-521 CU-521 – REQUEST FOR CONDITIONAL USE TO ALLOW VEHICLE SALES, OUTDOOR ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF WEST STREET 260 FEET NORTH OF MURDOCK. (District VI) Continued from June 8, 1999.

Council Member Cole Council Member Cole reviewed the Item.

Agenda Report No. 99-559 A.

The applicant is requesting a Conditional Use to allow vehicle sales on a 0.598 acre property located on the west side of West Street approximately 260 feet north of Murdock Boulevard. This platted tract is zoned "LC" Limited Commercial. The sale of vehicle and equipment with outside display/storage requires a Conditional Use within the "LC" Limited Commercial Zoning District.

The applicant currently operates a vehicle sales operation inside a garage. The garage was originally permitted as a residential structure associated with the house located on the southern part of the lot. After constructing the garage, the applicant sought to convert the occupancy permit from residential to commercial in order to sell used cars, and has installed an asphalt parking lot in the front portion of the lot. As part of the rezoning to "LC" granted in 1993, the applicant indicated he intended to sell used cars. He was advised that this required a special use permit from the Board of Zoning Appeals, and the staff report noted "Staff's support of light commercial zoning at this location

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should not be interpreted as support for outdoor car sales. Because an application for a use exception has not been made, staff has not evaluated the appropriateness of car sales at this location" (Staff Report, September 9, 1993). The process has been changed and now requires a Conditional Use. The applicant is seeking a Conditional Use for vehicle sales in order to place up to 14 cars for sale on the asphalt parking area in front of the garage.

The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area. The site plan shows approximately 858 square feet for vehicle sales, display and storage, which would require a total of two spaces. The building (1,800 square feet) would require four additional parking spaces, for a total of six parking spaces. The site plan shows only four spaces.

There are small-scale commercial uses located along this block of West Street between Murdock and 9th Street. The mix includes free-standing structures, a small commercial center, and several houses used for commercial purposes, as well as the residence on this site and one other house located to the northeast of the application area still used as residences. The range of commercial uses include: restaurants, alternations shops, insurance offices, personal care services, and auto parts and repair, etc., with most being neighborhood-serving retail uses. There is no other outdoor storage in this block, or in any portion of West Street north of Central.* An apartment complex, Westview Apartments, is located directly across the street to the east. Residential properties are located west of this site facing onto Colorado Street and adjoining the rear property line. This is a well-maintained residential block of single family residences. *

At the CPO(6) meeting held May 12, 1999, the CPO voted 4-2 to approve the request. The applicant, David Fansler, stated that he is operating a vehicle sales operation inside a garage at this location. He stated the property was rezoned in 1993, with the intent to sell used cars and there was no opposition at that time. Although no citizens were present to speak, Cathy Landwehr, CPO Council Member stated she had received a call from a citizen who is opposed to the request because an auto sales lot does not fit into the existing residential business mix in the area.

At the MAPC hearing held May 13, 1999, the applicant's agent discussed the request. The owner of the apartments to the east across West Street faxed a letter in opposition to this request to the Planning Department, which was provided to the Planning Commissioners. After discussion, the MAPC voted to approve the request, subject to permitting 14 outdoor vehicles for sale and the other conditions found in the staff report.

The only outdoor vehicle sales businesses on West Street between Kellogg and 21st Street are the Dent Clinic and K & N Kawasaki between 2nd and 3rd, and a car lot on the northeast corner of Douglas. The general intensity of commercial uses is highest near Kellogg and tapers off to the north. The segment between Central and 9th is a mix of small scale commercial and occasional residential, but with no outdoor storage. The segment north of 9th is residential/office except at commercial corners.

Motion -- carried

Cole moved that the request be denied. Motion carried 7 to 0.

NEW BUSINESS

WATER SYSTEM

PETITIONS FOR A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ON BOTH SIDES OF SENECA, BETWEEN 63RD STREET SOUTH AND 55TH STREET SOUTH. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-833.

The Petitions have been signed by 123 of 236 (52.1%) owners of 53.2% of the improvement district area. CPO Council 4 considered the Petitions on July 22, 1999. The Council voted (6-1) to recommend approval of the project.

The Water Distribution System will serve an area devastated by last spring's tornado. The availability of City water will assist neighborhood reconstruction. Currently, the area is served by private water wells. Many residents report that the groundwater is of very low quality.

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The estimated project cost is \$1,100,000 with the total assessed to the improvement district. The estimated rate of assessment is \$00.16 per square foot of ownership.

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Donna Blake	Donna Blake, 827 Wallingford, said the water tastes and smells bad and asked for Council approval of the project.
Mr. Blake	Mr. Blake, 827 Wallingford, President of the Riverside Wellwater Homeowners' Association, said City of Wichita water is the best quality available. Mr. Blake spoke in favor of what is best for the people and for a better quality of life.
Paul Sutherland	Paul Sutherland said good water is needed.
Larry Glockfelty	Larry Glockfelty spoke in opposition to the petition. The water is not good; however, the water is not contaminated. Mr. Glockfelty said he would like to see a new petition signed by current landowners.
Velma Long	Velma Long, 5708 South Seneca, said she would love to have City of Wichita water.
Linda (inaudible)	Linda inquired about horse restrictions.
Bill Tyne	Bill Tyne said the Health Department tests are for organic contaminants only, not chemical contaminants.
Charlene Hale	Charlene Hale said the petition was signed after the tornado.
Council Member Gale	Council Member Gale said the petition circulators stopped seeking signers after 52 percent of the owners signatures were acquired.
Motion -- -- carried	Gale moved that the Petition be approved and the Resolution be adopted; and the Staff screening and selection committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-326

Resolution of findings of advisability and Resolution authorizing construction of a water distribution system Number 448-89417 (along Seneca, between 63rd Street South and 55th Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

IRB-NMF, INC.

PUBLIC HEARING AND APPROVAL OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS AND INCENTIVE PACKAGE – NATIONAL MANUFACTURING FINISHING, INC. (District II)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 99-834.

The City Economic Development Office has worked with the Chamber of Commerce, the State of Kansas Department of Commerce and Housing and Sedgwick County to attract an aerospace company based in Montreal, Canada to open a major new manufacturing plant in Wichita. The company is National Metal Finishing, Inc. ("NMF Canada"), a manufacturer of aircraft components specializing in wing panels. The package of economic development incentives offered to the company is presented to the City Council for approval at this time.

NMF Canada was founded in 1991 by David Cook and is a successful leader in the aerospace niche market of wing skin manufacturing, with annual sales of \$20 million and upwards of 160 employees at its plant in the Montreal suburb of Mirabel, Quebec. NMF Canada's manufacturing process involves the forming and finishing of aluminum wing panels used in the manufacture of business and regional jets, primarily for the Bombardier line of aircraft. NMF's decision to come to the Wichita area was motivated in large part by Bombardier's desire to have this prime sub-contractor located closer to what has become an important production center for Bombardier. They are also motivated by the opportunity to develop business relationships with the other aircraft manufacturers located in Wichita.

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NMF has located a site for its new Wichita plant on 6 acres of land near 39th Street North and Webb Road, near Jabara Airport, where they plan to build a 40,000 square foot manufacturing plant. The land, plant and equipment costs are estimated at nearly \$5 million. The company estimates that it will employ at least 100 workers at the Wichita plant by the end of the first five years of operation.

The City of Wichita competed with several other south-central Kansas cities to secure its selection as the site for NMF's first US location. A package of local incentives was offered to NMF, subject to City Council approval, which included the following elements:

- ? The City and Sedgwick County will jointly provide \$267,800 to be used to acquire the NMF's preferred site, or for any other cost associated with the development and implementation of NMF's Wichita project.
- ? The City and County will also jointly provide up to \$30,000 to be used to defray the costs of bringing water and sewer extensions to the building location, if needed.
- ? The City will waive all City fees charged by the City in conjunction with the construction of your new plant, except those involved in the connection of water and sewer services.
- ? The City will issue industrial revenue bonds to the full extent needed to help provide a means of financing your project.
- ? The City will approve a 100% 5-year exemption of taxes on the improvements and equipment, whether or not they are financed with the industrial revenue bonds, plus a second 5-year exemption on the improvements, in keeping with the City's Business Incentive Policy. Consistent with its policy, the City Council will review the tax exemption at the end of the initial 5-year period to ensure that the company's commitments have been met.

In addition to the local incentives offered by the City and County, the State of Kansas has offered NMF a package of incentives for considering Kansas over neighboring states. The package includes a \$100,000 forgivable loan under the KEIOF program and a combination of Enterprise Zone tax incentives and training grants, estimated at approximately \$350,000.

NMF is currently exploring the options of either placing the industrial revenue bonds with investors through a bond underwriter or placing them directly with a financial institution. They may also opt to finance their plant and equipment with a conventional loan and seek their property tax exemption under the authority of the constitutional amendment permitting cities to grant exemptions for manufacturing plants without going through a bond issue. In either case, NMF has agreed to comply with the Standard Letter of Intent Conditions from the City's IRB Policy and Business Incentive Policy.

NMF agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual administrative fee for the term of the bonds. NMF is requesting a 100% property tax abatement on all bond financed real and personal property. It is estimated that the amount of the first year's tax abatement will be approximately \$70,000, of which the City's share would be \$21,700, the County's share would be \$20,300 and USD 375's share would be \$28,000. WSU's Center for Economic Development and Business Research is conducting a cost-benefit analysis on the proposed project, the results of which will be presented to the City Council prior to taking action on this item.

Wichita State University's Center for Economic Development and Business Research has performed a cost-benefit analysis on the impact of the requested tax abatement, as required by state law. The study shows a ratio of benefits to costs of 1.46 to one for the City, 1.64 to one for the County, 1.24 to one for U.S.D. 259 and 3.72 to one for the State.

The source of funding for the City's \$148,900 share of the cash incentives offered to NMF is the appropriated general fund reserve.

The Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel for the issuance of industrial revenue bonds and will prepare drafts of all principal financing documents.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Pisciotta moved that the public hearing be closed; the letter of intent concerning the issuance of industrial revenue bonds in the amount not to exceed \$5,000,000 and 100 % property tax abatement on all bond-financed property for a period of five years plus a second five years subject to Council review be approved; the proposed economic development incentives outlined be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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IRB-EATON PLACE

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – EATON PLACE PROJECT. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-835.

The City Council approved a Letter of Intent with MetroPlains Development LLC (“MetroPlains”) on August 25, 1998, for the redevelopment of the Eaton block properties located on east Douglas Avenue in downtown Wichita. On November 3, 1998, the City Council approved several key developer agreements pertaining to the project, including a Development Agreement, CDBG and HOME funding agreements and a letter intent to issue industrial revenue bonds in an amount not to exceed \$15 million. On December 15, 1998, the City Council approved a 100% 10-year property tax abatement plus a five-year 100% property tax rebate under the Neighborhood Revitalization Program on the residential property financed by the IRBs, and a 15-year 100% tax rebate under the Neighborhood Revitalization Program for the commercial property. MetroPlains is now ready to proceed with the issuance of bonds.

The Eaton Place Project consists of two primary components: 1) a 115-unit apartment complex financed with tax-exempt qualified residential rental facility bonds, HOME funds, Low Income Housing Tax Credits and Historic Preservation Tax Credits; and 2) a commercial component consisting of streetfront retail shops, offices and a restaurant, financed with taxable industrial revenue bonds, CDBG funds, historic tax credits and equity. In addition, a parking structure and surface parking lot will be constructed to serve both components. To facilitate the distinct and separate financing structures of each component, the project site is being subdivided into two general condominium units, one comprising all of the apartment complex and one for the commercial space.

The industrial revenue bonds for the Eaton Place Project are being issued in three series which together will cover all of the capital costs of the project. The Series “A” bonds will be issued in the form of tax-exempt qualified residential rental facility bonds in the amount of \$6,520,000 to permanently finance a portion of the apartment complex. The Series “B” bonds will be issued in the form of subordinate lien tax-exempt bonds to finance the equity contribution to the residential component of the project, in the amount of \$1 million. The Series “C” bonds will be issued in the amount not-to-exceed \$7,480,000 in the form of taxable subordinate lien bonds to provide bridge financing for portion of the residential and commercial components of the project. The major portion of the Series “C” bonds will be redeemed by the various sources of non-bond funding committed to the project, including HOME and CDBG funds, the proceeds of historic and housing tax credits and developer equity. The Series “C” bonds will be issued in scheduled increments during the project’s construction period, and redeemed as costs become eligible for permanent financing from the aforementioned sources.

The Series “A” tax-exempt bonds will be secured by a policy of leasehold mortgage insurance issued by the U.S. Department of Housing and Urban Development and by GNMA securities. The 40-year Series “A” bonds will be underwritten by U.S. Bancorp Piper Jaffray and reoffered to public investors. The tax-exempt Series “B” bonds will be secured by surplus operating revenues of the residential and commercial components of the project and privately placed through Piper Jaffray with an accredited investor. The Series “C” bonds will be secured by the commercial condominium and privately placed through Piper Jaffray with the same accredited investor.

MetroPlains has agreed to comply with the Standard Letter of Intent Conditions.

During the intervening period since the development agreements were approved there have been a number of changes to the scope and terms of the deal originally approved by the City Council. These changes have been incorporated into proposed amendments to the Development Agreement, the CDBG Agreement and the HOME Agreement. One change has been in the number of parking places provided. As a result of design modifications, the number of parking spaces has been reduced from 104 to 92. Another change requested by the developer is the waiver of certain City fees relating to the construction project, but not including the building permit fee. A final change is the replacement of the requirement for a payment and performance bond, to cover the full amount of the IRB-financed construction, with a bank letter of credit in the amount of 20% of the total construction cost. This last change is subject to the charter ordinance concerning bid requirements for IRB-financed projects adopted on August 10, 1999 becoming effective following the expiration of the 61-day protest period.

The total development cost is estimated to be \$15 million. The City’s portion of the financing is CDBG funding of \$1,174,000 (\$424,000 grant and \$750,000 loan), HOME funding of \$1,485,000 and a general fund appropriation

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for building stabilization of \$150,000. The balance of project funding includes approximately \$3 million of federal tax credits and other public funds, and developer debt and equity financing of approximately \$9.2 million.

The City Council has also approved the abatement and rebate of property taxes on the real property comprising the Eaton Block. The 1997 taxes on the property were \$33,707.86. In the first year after redevelopment of the property is completed, MetroPlains estimates that property taxes would amount to \$111,025.

Wichita State University's Center for Economic Development and Business Research has performed a cost-benefit analysis on the impact of the requested tax abatement, as required by state law. The study shows a ratio of benefits to costs of 1.55 to one for the City, 1.09 to one for the County, 1.05 to one for U.S.D. 259 and 1.74 to one for the State.

Bond Counsel has requested that the City Council reaffirm its approval of the IRB tax abatement in order to document that State law requirements concerning publication of notice have been met.

Mayor Knight

Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Cole moved that the public hearing be closed; the amendments to the Development Agreement be approved; the property tax abatement and tax rebate be ratified; the Bond Ordinance be placed on first reading; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its residential rental facility revenue bonds in the aggregate principal amount of \$6,520,000 and its subordinated residential rental facility revenue bonds in the aggregate principal amount of \$1,000,000 for the purpose of providing funds to acquire, construct, and equip a residential rental facility located in the City of Wichita, Kansas; authorizing the issuance of its taxable industrial revenue bonds in the aggregate principal amount of not to exceed \$7,480,000 for the purpose of providing a portion of the funds to acquire, construct, and equip the residential rental facility and the funds to acquire, construct, and equip and adjacent commercial facility; prescribing the form and authorizing execution of various documents relating to the issuance of and security for the bonds, the lease of the residential rental and commercial facilities, and the sale of bonds; and prescribing the form and authorizing the execution of a declaration of condominium with respect to the real property constituting the residential rental and commercial facilities, introduced and under the rules laid over.

IRB- RIVERSIDE

PUBLIC HEARING AND ISSUANCE OF HOSPITAL FACILITIES IMPROVEMENT REVENUE BONDS RIVERSIDE HEALTH SYSTEMS, INC. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-836.

On April 16, 1996, the City Council approved the issuance of a Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds, in an amount not-to-exceed \$35.0 million, for a five-year term to Riverside Health System, Inc. for the construction of two family practice clinics and a retirement community complex and to refund all outstanding balances of prior bond issues. Riverside did not request a property tax abatement because of the 501(c)(3) status of the hospital. In April 1997, the City Council approved the issuance of \$23,270,000 Hospital Facilities Improvement and Refunding Revenue Bonds to finance the construction of the family practice clinics and a portion of the retirement community and to refinance outstanding debt on the hospital. The current bond issue will finance the completion of phase one of the retirement community.

Riverside Health System, Inc., is a Kansas corporation chartered in 1947 as a non-profit corporation. Riverside is licensed for 125 acute care beds and maintains a staff of 225 physicians. Riverside is also a teaching hospital providing post-graduate training to 216 physicians of whom 75% have chosen to practice in Kansas. Riverside operates nine family practice clinics located throughout the City of Wichita, Sedgwick County and surrounding counties.

The proceeds of the 1999 bonds will be used to complete construction of phase one of the retirement community, including completion of the 51-unit assisted living facility and a 36-unit alzheimer/dementia unit.

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The bonds will be issued as variable rate bonds, underwritten by Banc of America Securities LLC of St. Louis and secured by a letter of credit issued by Bank of America N.A. The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. The project will be financed by bond proceeds and corporate funds as follows:

SOURCES OF FUNDS:

Bond Proceeds:	\$3,600,000
Corporate Contribution	<u>100,000</u>
Total Sources of Funds:	\$3,700,000

USES OF FUNDS:

Construction Fund:	\$3,540,688
Cost of Issuance:	<u>159,312</u>
Total:	\$3,700,000

Riverside, over and above the physicians on staff, currently employs approximately 650 people and anticipates adding another 130 plus employees upon completion of the project. Riverside has a current approved EEO/AA Plan on file with the City's Human Resources Department.

Riverside agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Riverside is not requesting a tax abatement of ad valorem property taxes on the project because they are exempt from taxes by virtue of their status as an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

Bond documents needed for the issuance of the bonds will be prepared by Hinkle Elkouri Law Firm, L.L.C., bond counsel for the project.

Mayor Knight

Knight inquired whether anyone wished to be heard.

Robert Dixon

Robert Dixon, CEO for Riverside Health Systems, expressed appreciation for Council consideration of the bond issue and explained that the bonds were necessary to complete the project.

Motion --
-- carried

Cole moved that the public hearing be closed; the Ordinance be placed on first reading; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its hospital facilities improvement revenue bonds in the aggregate principal amount of \$3,600,000 for the purpose of providing funds to pay a portion of the costs of acquiring, purchasing, constructing and equipping a retirement facility located in the City of Wichita, Kansas (the "City") prescribing the form and authorizing execution of a first supplemental bond indenture by and between the City and Intrust Bank, Wichita, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a first supplemental lease by and between the City and Riverside Health System, Inc.; approving the form of a guaranty agreement and a reimbursement agreement; authorizing the execution of a remarketing and interest services Agreement by and among the City, Riverside Health System, Inc, and Banc of America Securities LLC, as remarketing agent; authorizing the execution of a bond purchase Agreement by and between the City, Riverside Health System, Inc., and Banc of America Securities LLC, as the underwriter for the Series 1999 Bonds; and appointing Intrust Bank, N.A. successor bond trustee, introduced and under the rules laid over.

IRB - NEWMAN .

EDUCATIONAL FACILITIES REVENUE BONDS – NEWMAN UNIVERSITY. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-837.

On June 22, 1996, City Council approved a five-plus-five-year Letter of Intent to issue Educational Facilities Revenue Bonds to Newman University in an amount not-to-exceed \$11,350,000. Newman University, located at 3100 McCormick Avenue, is a private, Catholic liberal arts institution sponsored by the Sisters Adorers of the Blood of Christ. With a current enrollment of over 1,900 students, Newman University offers associate's and

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bachelor's degrees in more than forty disciplines, as well as master's degrees in business, education, social work, nursing and nurse anesthesia. Newman University is now requesting Issuance of Educational Facilities Revenue Bonds in an amount not-to-exceed \$11,350,000.

Current residence facilities are at or near capacity. As a result of current enrollment, an increase in on-campus living, and the present status of certain facilities, Newman University has identified various needs for expansion and rehabilitation of campus facilities.

Bond proceeds will be used to construct a new residence hall with a capacity of 60 additional students initially and eventually 180 students, and renovate existing residential space. The University will also convert its existing maintenance facility to a great hall kitchen and food service facility, and build a new maintenance facility to replace the old. Newman University is currently in the process of constructing a new sports and fine arts facility which will be partially funded by bond proceeds, and retired with contributions and pledges over the next 10 years. Bond proceeds will also be used to retire outstanding debt incurred over the last several years for the purpose of acquiring apartments which were converted to residence space and the purchase of certain capital items. Additional capital purchases anticipated for the upcoming year will also be financed with bond proceeds.

An analysis of the sources and uses of project funds is:

<u>SOURCES OF FUNDS</u>	
1999 Bond Proceeds	\$11,350,000
Total Sources	\$11,350,000
<u>USES OF FUNDS</u>	
New Residence Hall	\$ 2,107,000
Food Service Facilities Renovation/Expansion	1,483,000
Sports Complex & Fine Arts Facility	4,000,000
New Maintenance Building	409,000
Merlini Hall Renovation	250,000
Outstanding Debt Retirement	1,337,000
Capital Purchases Reimbursement	594,000
Bond Reserve Fund	1,018,000
Cost of Issuance	<u>152,000</u>
Total Cost of Project:	\$11,350,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Fahnestock & Co., Inc. has agreed to purchase the Bonds. Newman University agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Newman University agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Mayor Knight

Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Gale moved that the public hearing be closed; the Ordinance be placed on first reading; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to issue its educational facilities revenue bonds, Series No. IX, 1999, (Newman University) in the aggregate principal amount of not to exceed \$11,350,000 for the purpose of providing funds to purchase, acquire, construct, equip, reconstruct and rehabilitate certain commercial improvements consisting of administrative, educational, and residential facilities; prescribing the form and authorizing execution of a trust indenture between the City and Commerce Bank, N.A., Kansas City, Missouri, as trustee; prescribing the form and authorizing execution of a site lease by and between the City and Newman University, prescribing the form and authorizing execution of a lease Agreement by and between Newman University and the City; approving the form of a guaranty Agreement between Newman University, as guarantor, and Commerce Bank, N.A., Kansas City, Missouri, as trustee; prescribing the form and authorizing the execution of a bond purchase Agreement between the City, Newman University, and Fahnestock & Co., Inc., as purchaser of the Series IX, 1999 Bonds, introduced and under the rules laid over.

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C.U. 530 APPEAL

**APPEAL OF ACTION BY METROPOLITAN AREA PLANNING COMMISSION OF CU-530
CONDITIONAL USE PERMIT TO ALLOW A WRECKING SALVAGE YARD OPERATION,
LOCATED NORTH OF 21ST STREET NORTH AND WEST OF NEW YORK STREET.** (District VI)
The City Council requested to review this case at the August 10, 1999, meeting.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-838.

The applicant is requesting a Conditional Use permit to allow a wrecking salvage yard on a 12 acre platted tract of land located north of 21st Street North and west of New York Street. The Unified Zoning Code only permits salvage yard operations to be located in the "LI" Limited Industrial and "GI" General Industrial districts and are also required to obtain a Conditional Use permit.

The applicant's current business is located at 61st Street North and Woodlawn. The applicant has operated an excavating business at this location for some time. He recently added the salvage operation at the present location and was issued a citation by Sedgwick County Code Enforcement. In the opinion of the County Zoning Administrator, the salvage operation was not a legal land use. The applicant appealed this decision to the Sedgwick County Board of Zoning Appeals and was denied. The applicant subsequently filed an appeal of the BZA's action in District Court. If this request was approved to relocate his salvage yard operation to this site, the applicant has indicated that he would drop the existing lawsuit.

The applicant has stated that he buys metal from other demolition contractors and recyclers. He then shreds or shears this material and sells it to steel mills in Kansas City or Tulsa. There are 8-10 employees involved in the salvage operation at its current location. These individuals would move to this new location, if this request is approved. Portions of the surrounding improvements owned by Coastal Refining, the property owner, may be dismantled and salvaged by the applicant over a period of years.

The applicant has submitted a site plan, which shows this 12 acre site split into five different uses. Scrap and storage area is to be located just east of the access road from 21st Street North (vacated Cleveland Street), between existing Coastal storage tanks. A scale and office is to be located north of the western Coastal storage tanks, and just west of the proposed scrap/storage area to be located at the terminus of the vacated street. A proposed shredder is north of the scale and office area, and a shear is to be located just west of these two areas. A revised site plan will have to be submitted showing the exact location of the scale and office, employee and customer parking, and the proposed shredder and shear, if this request is approved.

There is "GI" General Industrial zoning located to the north, east, west and south. The Coastal Refinery property is located immediately to the south, east and west. There are railroad and industrial uses also located west of the property. North of the property is Safety Kleen, which is a toxic chemical disposal company. Other salvage yards are established in this general vicinity.

At the July 28th CPO 6 hearing, the Council voted unanimously to approve the request, subject to the conditions in the staff report. No one spoke in opposition to the request.

At the July 29th MAPC hearing, the applicant's agent presented the request. No one spoke in opposition to the request. The MAPC voted 9 to 1 to approve the request, subject to revised conditions. These included permitting the applicant to stockpile scrap metal parts and wrecked vehicles to 30 feet on Lot 6 and the west half of Lot 7 and 15 feet on the east half of Lot 7. Staff had recommended that the height of stored materials not exceed the eight foot screening fence.

After this hearing, Planning staff met with the applicant on revising these conditions to provide more screening from I-135. The applicant and staff agreed to limiting the height of the storage to 30 feet on Lot 6 and the west half of Lot 7 and eight feet on the east half of Lot 7. The applicant also agreed to installing a black mesh fabric (similar to the screening used at golf driving ranges) to a height of 15 foot along the east and/or south lines, if any of the existing storage tanks are removed and the Zoning Administrator believes that additional screening is warranted.

The City Council requested to review this case at their August 10th meeting.

Council Member Rogers

Council Member Rogers spoke in favor of the conditions to be imposed.

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Council Member Pisciotte Council Member Pisciotte expressed concern regarding the entrance to the community. With the conditions set, this will be an improvement. The area is a blight on the community and how conditions are being met will be watched.

Motion -- Cole moved that the City Council concur with MAPC and approve the Conditional Use, subject to conditions.
-- carried Motion carried 7 to 0.

CITY COUNCIL AGENDA

BOARD APPOINTMENTS/ADVISORY BOARD /COMMISSION APPOINTMENTS.

Motion -- Gale appointed John Frazee to the Public Building Commission and moved that the appointment be approved.
-- carried Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including addendum items, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 23, 1999.

Bids were opened August 23, 1999, pursuant to advertisements published on:

Lateral 431, Southwest Interceptor Sewer to serve The Legacy Addition - west of Meridian, south of MacArthur. (468-82997/743803/480491) Does not affect existing traffic. City Council approval date: 6/22/99. (District IV)

Utility Contractors - \$95,492.00

Forestview, from the west line of Angela to 294 feet east of Angela including Forestview Court and Forestview Circle and Angela from the south line of Forest view to 165 feet south of Forestview to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (472-83022/765565 /490676) Does not affect existing traffic. City Council approval date: 2/9/99. (District V)

Asphalt Construction Company – \$74,518.40

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's Construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Century II AHU Upgrades- 1999. (225516)

Piping & Equipment Co. Inc. \$187,871.00 (Base Bid)
\$ 8,799 00 (Alternate #1)
\$ 8,799.00 (Alternate #2)
\$ 8,799.00 (Alternate #3)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Rubber Tired Slope Mowing Tractor & 6,000# G.V.W.R. Utility Trailer. (183632)

Power Trac (PWTL, Inc.) - \$28,995.00 (Item 1/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

Renewal Adult Entertainment.

Valerie Washington Xcitement Video 3909 West Pawnee Street

Motion – carried Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Jesse D. Soria	Cholita's Mexican Restaurant Inc.*	8987 West Central
		<u>(Consumption off Premises)</u>
David F. Gillis	Osco Drug Store #2111	2323 North Amidon
David F. Gillis	Osco Drug Store #2114	8700 West Central
David F. Gillis	Osco Drug Store #2132	2501 South Seneca
David F. Gillis	Osco Drug Store #2133	3333 East Central
David F. Gillis	Osco Drug Store #2135	4035 East Harry Street
David F. Gillis	Osco Drug Store #2147	8131 East Kellogg
David F. Gillis	Osco Drug Store #2148	601 North West Street, Suite 100
David F. Gillis	Osco Drug Store #2163	2020 North Woodlawn
John J. Leeker	Farmer's Market, Inc.	2901 North Broadway

<u>New Establishment</u>	<u>(Consumption off Premises)</u>
William Charles Saad Big Kmart #4174	8600 East Kellogg

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion – carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Sunnyside, from the east line of Chautauqua to the west line of Lorraine; Lorraine, from the north line of Orme to the north line of Sunnyside to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (472-83081/765569/490680). Traffic to be maintained on Chautauqua and Orme during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids
-- carried to be submitted to the Board of Bids and Contracts by 10:00 a.m., September 3, 1999. Motion carried 7 to 0.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a. Patterson from Broadway to the east line of Henry Jones Addition to serve Bromilow's South Broadway Addition and unplatted tracts west of Broadway. (472-82851/764381/490541) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 6/10/97. (District III) - \$166,250

b. Lateral 159, Sanitary Sewer No. 22 to serve unplatted tracts - south of Patterson, west of Broadway. (468-82863/743633/480454) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 8/18/98. (District III) - \$33,900

c. Water distribution system to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (448-89321/734911/470581) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 2/9/99. (District V) - \$48,000

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d. Water distribution system to serve Forest Lakes West Addition- north of 29th, east of Tyler. (448-89203/734927/470597) Does not affect existing traffic. City Council approval date 9/23/97. (District V) - \$40,000

e. Lateral 382, Southwest Interceptor Sewer to serve Forest Lakes West Addition - north of 29th, east of Tyler. (468-82769/743799/480487) Does not affect existing traffic. City Council approval date 9/23/97. (District V) - \$109,200

ADDENDUM ITEM

f. Lateral 136 (previously 133), Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition (north of 35th Street North, west of Seneca (468-82826/743468/480-437) City Council approval date 4/7/98. (District VI) \$6,900

Motion- -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

SEWER PETITION

PETITION TO CONSTRUCT SANITARY SEWER TO SERVE A TRACT IN WILLOWBEND ADDITION – NORTH OF 37TH STREET NORTH, WEST OF ROCK ROAD. (District II)

Agenda Report No. 99-839.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide sanitary sewer service to a single-family home site created by a boundary shift.

The estimated project cost is \$3,500. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted Motion carried 7 to 0.

RESOLUTION NO. R-99-327

Resolution of findings of advisability and Resolution authorizing construction of Lateral 63, Main 9, Sanitary Sewer No. 23 (Willowbend Third Addition) 468-83000 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO Northeast Council 1, 8-9-99

CPO East Council 2, 7-12-99

CPO East Council 2, 8-9-99

CPO Southwest Council 4, 8-12-99

CPO Northwest Council 5, 7-14-99

CPO North Central Council 6, 7-14-99

Metropolitan Area Planning Commission (MAPC), 5-27-99

Wichita Employees Retirement System, 6-6-99

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – JULY, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Southwestern Bell	\$275.35*
Clysta Alapai	\$113.90
Thad W. Keehn	\$ 29.99
Paul Ray	\$269.80

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Joseph C. Wold	\$310.56
Connie Welch	\$127.41
Southwestern Bell	\$207.39
Kansas Gas Service	\$601.87
B. E. Dientsbach	\$ 47.66**

*This claim was denied in March, 1999; re-reviewed and allowed 7/20/99.

**No money paid out by the city; his water bill to be credited.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

HILLTOP CENTER

HILLTOP COMMUNITY CENTER OCCUPANCY AGREEMENT. (District III)

Agenda Report No. 99-840.

On April 21, 1998, demolition of the Hilltop Recreation Center building, 1329 South Terrace, was approved, and design of a new building sufficient to meet neighborhood needs was authorized. On August 25, 1998, the City Council approved a design/build process and authorized staff to proceed. The groundbreaking ceremony took place March 23, 1999. The facility is scheduled for completion August 31, 1999.

The City of Wichita and the Child Care Association of Wichita have proposed a partnership that will speak to the neighborhood needs. The Child Care Association has agreed to a five-year occupancy lease agreement with the City.

The City previously approved CDBG funds in the amount of \$325,000 for new construction of a neighborhood center facility in Hilltop.

Motion --
-- carried

Knight moved that the Lease Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - RITA FROM WEST STREET TO KESSLER, AND KESSLER FROM RITA TO JEWELL. (District IV)

Agenda Report No. 99-841.

The City Council approved the project on March 16, 1999.

The proposed Agreement between the City and Reiss & Goodness Engineers provides for the design of Rita from West Street to Kessler, and Kessler from Rita to Jewell. The Staff Screening & Selection Committee selected Reiss & Goodness for the design on July 14, 1999.

Payment will be on a lump sum basis of \$11,500, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT ENCROACH EASEMENT ENCROACHMENT AGREEMENT - 2609 NORTH WILDERNESS COURT. (District II)

Agenda Report No. 99-842.

The agreement allows Rickey D. Storm to occupy and construct for 2609 N. Wilderness Ct. improvements on, over and across the aforesaid public easement described as 30 feet in width along the east property line and 10 feet in width along the south property lines of Lot 13, Block 1 of Wilderness 4th Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be along the east property line, from southeast corner of property 85 feet, and along the south property line from southeast corner of property 95 feet for the construction of an iron fence with brick pillars.

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The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT ENCROACHMENT AGREEMENT – THE QUARTERS AT CAMBRIDGE, L.P. (District II)

Agenda Report No. 99-843.

The agreement allows Fred L. Hanley to occupy and construct for The Quarters at Cambridge, L. P., improvements on, over and across the aforesaid public easement described as 30 feet in width starting from 137 feet south of the northwest property corner and going directly to 80 feet east of the northwest property corner, and 20 feet in width along the north property line of Lot 4, Block 1 of Hanley Second Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be along the north property line, from the west property line to the east property line for the construction of a masonry wall with columns and a sign.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PUMP STATION 1 REHABILITATION OF STORM WATER PUMP STATION 1 CONTRACT. (District V)

Agenda Report No. 99-844.

Several years ago, the City hired Mid-Kansas Engineering Consultants (M.K.E.C.) to design a project to rehabilitate Storm Water Pump Stations 2, 3, and 4. That project is currently under construction. At that time, Pump Station No. 1 was not included in the project as it was felt that it could be totally reconstructed in the near future.

The reconstruction of Pump Station No. 1 does not appear to be imminent at this time as drainage studies in this area are not yet complete and it will probably take several years for project development. Alternatives to the reconstruction of the pump station also exist. In the meantime, the existing pump station has deteriorated to the point that it will not operate automatically, requiring that employees be present, often after normal work hours. Current problems are related to electrical components and pump motors. Failure of the pump station, which is located on Maple Street at the Big Ditch, would result in the flooding of a portion of Town West Mall and other residential/commercial areas.

Since M.K.E.C. designed the rehabilitation project for Pump Stations 2, 3, and 4, and Pump Station 1 is similar in design, it is our recommendation that we hire M.K.E.C. to design the project.

Design services for the Contract will be \$35,000. The current estimate of construction cost is \$425,000. Funding for the design and construction is budgeted in the Storm Water Utility 1999 Revised Budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

NIC AGREEMENT NORTH INDUSTRIAL CORRIDOR PARTICIPATION AGREEMENT - ADDITIONAL PARTY.

Agenda Report No. 99-845.

The City entered into a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) November 14, 1995, under which the City agreed to complete the investigation and remediation of the North

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Industrial Corridor (NIC) Site. As part of the Project, a group of 26 area businesses agreed to assist in the funding of the investigation and to participate in the allocation of their fair share of responsibility for the costs of the Site. The Participant Agreement was approved by the City Council on May 21, 1996. The City has been involved in identifying and encouraging additional parties to be part of the Participant Group. Agreements with these additional parties will be brought to the Council from time to time.

The agreement adds Apex Engineering, Inc. as a member of the Participant group. The Additional Participant agreement incorporates by reference the same agreement and terms as previously approved by the Council and the existing Participants.

The Agreement establishes a framework for future allocation of investigation and remediation costs.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BN/SF EASEMENT

RAILROAD ROAD EASEMENT AGREEMENT - NORTHEAST WATER TRANSMISSION LINE -- PHASE II.

Agenda Report No. 99-846.

On July 18, 1995, the City Council approved the design of the Northeast Transmission Facility. On February 27, 1996, the City Council entered into an agreement with Professional Engineering Consultants, PA (PEC) to design the facility. On March 25, 1997, the City Council approved Supplemental Agreement Number 2 which required PEC to perform a title search and prepare tract drawings for easements along the railroad right-of-way. On August 25, 1998, the City entered into an agreement with PEC for the design of Phase II of the Northeast Transmission Facility.

The agreement allows the City of Wichita to construct a water transmission main along the BN/SF railroad right-of-way, from Oliver to Webb Road, within a 25' easement within said right-of-way. Of several alternate routes evaluated, the railroad alternative is the preferred route because of minimal disruption to traffic and ease of construction.

The cost of the easement will be \$165,360. This is part of CIP Project W-511, which has an available budget of \$2.65 million.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SCKEDD CONTRACT

CONTRACT WITH SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT (SCKEDD).

Agenda Report No. 99-847.

The Human Services Department has operated the Weatherization Grant Program within Sedgwick County under a grant from the Kansas Department of Commerce and Housing. Approximately 90% of the weatherization grants are within the city limits of Wichita. SCKEDD has operated a weatherization program in surrounding counties under a similar contract with the same State agency.

SCKEDD has surplus capacity to conduct weatherization inspections and complete work write-ups. The Wichita weatherization program can increase its capacity by contracting with SCKEDD for these services. SCKEDD has offered to provide these surplus services at a very reasonable rate. SCKEDD has an inspector on staff who already has the certifications required by the State.

The Human Services Department currently performs all inspections and prepares the work write-ups for weatherizing homes. The work is then contracted with several private contractors for various weatherization services, such as furnace inspections, insulation, and infiltration. This contract provides the City of Wichita an opportunity to privatize an additional element of the Weatherization program to an agency that has experience operating weatherization programs in other areas of the State. Using the surplus capacity from this agency would allow the City to increase its production without adding additional staff. The Human Services Department staff would continue to perform a final inspection to ensure the quality of the work..

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The contract requires initial inspection and work write-up for 50 homes, however the funding limit in the contract will allow up to approximately 75 homes.

Because SCKEDD already contracts with the State of Kansas for weatherization services the Kansas Department of Commerce and Housing has indicated that the City of Wichita can negotiate this agreement. The State and Federal authorities allow different weatherization agencies to exchange services. At least five other weatherization agencies throughout the State have exchanges services in similar arrangements.

The total estimated value of this contract is approximately \$10,000. Funding would be through the existing City of Wichita grant for weatherization with the State.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AUBURN HILLS GOLF

CONTRACT AMENDMENT – ARCHITECT SERVICES FOR AUBURN HILLS GOLF COURSE CLUBHOUSE/COMMUNITY CENTER – SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-848.

On August 4, 1998, the City Council approved a Contract with Spangenberg Phillips to design the Auburn Hills Golf Course Clubhouse.

The proposed Contract Amendment between the City and Spangenberg Phillips provides for an increase in the design cost (5.75% of the construction cost) because of the increased cost of construction. The City Council approved the budget increase on March 30, 1999.

Payment to Spangenberg Phillips for this Contract Amendment will be made on a lump sum basis of \$66,400, and will be paid by General Fund Reserves, Golf Fund, and Special Assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IRB - WESLEY

TERMINATION OF LEASE AGREEMENT – KANSAS HEALTH FOUNDATION. (District I)

Agenda Report No. 99-849.

On October 25, 1983, City Council approved issuance of Industrial Revenue Bonds in the amount of \$1 million to Wesley Medical Endowment Foundation for the purpose of constructing a skilled nursing facility. Wesley Medical Endowment Foundation subsequently changed its name to Kansas Health Foundation. Earlier in 1999, Kansas Health Foundation contacted the City regarding the status of the option to purchase certain property under the 1983 Lease which secured the bonds. The bonds are no longer outstanding.

The property originally described in the Lease between the City of Wichita and Wesley Medical Endowment Foundation was a tract which was part of the property of the Wesley Medical Center at Central and Hillside. The Lease was amended a few years later, following the sale of Wesley Medical Center to the Hospital Corporation of America, to substitute a portion of the real property located near 29th and Rock Road which is the site of Larksfield Retirement Center, and all of which is leased by the City to Wesley Retirement Communities in connection with other bonds.

The law firm of Hinkle Elkouri, L.L.C., has prepared an agreement between the City of Wichita, Kansas Health Foundation, and Wesley Retirement Communities, Inc. for the purpose of terminating the Lease Agreement, as amended by the 1987 Amendment and to release each other from their respective obligations under the 1983 Lease Agreement, and the 1987 Amendment. The Agreement will also cancel Kansas Health Foundation's option to purchase the 1987 property.

Motion --
-- carried

Knight moved that the Agreement to terminate the lease be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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KCC GRANT

GRANT WITH KANSAS CORPORATION COMMISSION.

Agenda Report No. 99-850.

For the past fourteen (14) years Wichita Transit has filed for KCC funding to support the local rideshare program and special transportation development/coordination activities.

This year's grant, which has been submitted and approved, will be a continuation of that effort, which includes mostly labor costs, with training and marketing, to promote all ground transportation services from buses to vans to carpools. Major employers will be targeted for some level of corporate sponsorship of public transit. Additionally, staff will be conducting research on the feasibility of implementing Intelligent Transportation Systems (ITS) type of service for our operations, including the automatic vehicle locator (AVL), geographic information system (GIS), and electronic fare collection per Wichita Transit's Operational Plan. Finally, staff will continue its brokering effort to place/match individuals for other transportation services available throughout the region.

Wichita Transit Advisory Board supports Wichita Transit in continuing the KCC grant program.

The grant request is for \$35,000 with an additional \$2,000 in unused funds from FY1999 to be awarded later in the grant year. The grant request is for the same amount that was received last year. Last year KCC and City funds were used as the 20% local match to FTA (80%) funds (\$148,000). There will be no City funds used to support these activities.

Motion --
-- carried

Knight moved that the grant/contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STREET MAINTENANCE CHANGE ORDER – 1999 CONTRACT STREET MAINTENANCE PROGRAM. (District IV)

Agenda Report No. 99-851.

On October 13, 1998, the City Council approved the 1999 Street Maintenance Program. A part of the work is the repair of Pawnee, between Leonine and Custer. It has been determined that the poor condition of the concrete pavement necessitates complete replacement of the outside lanes.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$30,720. The funding source is General Fund Reserves.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

NORTHEAST COMPLEX NORTHEAST SOCCER/BASEBALL COMPLEX – 29TH STREET NORTH, WEST OF GREENWICH. (District II)

Agenda Report No. 99-852.

On November 5, 1996, the City Council approved an Agreement with Regency Lakes II, LLC, in conjunction with Wichita Strykers Charitable Trust, to acquire, build and maintain a 12-field soccer complex in the northeastern part of the City. Under the Agreement, the City would accept a land donation and work in cooperation with the Stryker Field Charitable Trust to create, develop, maintain and operate a first class public soccer complex for the benefit of children and adults of Wichita, Kansas. The City of Wichita accepted the donation of land and improvements on December 22, 1998.

Under the Agreement, the City has responsibility to effect certain improvements, including construction of restrooms, concession stands, bleachers, lighting, and other site development features. Stryker Field Charitable Trust has the obligation to provide soccer fields, associated sprinkler systems, and installed features such as goals. Construction of the parking lot funding in the amount of \$378,000 was also authorized by the City Council on December 22, 1998.

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The soccer fields have been developed. It is now time to proceed with design and construction of the other necessary features of the site.

The estimated project cost is \$1,800,000. The project is authorized in the 2000-2009 Capital Improvement Program. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved; the Resolution be adopted; and the Staff screening and selection committee be authorized to select a design architect/engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-328

A Resolution authorizing the issuance of bonds by the City of Wichita at large for a Northeast Soccer/Baseball Complex (472-83137), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TITLE INS./ABSTRACTS TITLE INSURANCE, ABSTRACT AND OTHER RELATED SERVICES – SELECTION OF VENDOR.

Agenda Report No. 99-853.

City departments require various types of title, abstract and closing services. To obtain the most qualified title company to provide this service at a cost that would be beneficial to the City, a Request for Proposal was sent to seven (7) vendors and three (3) responded.

A selection planning committee made up of representatives from Human Services, Property Management, Legal, and Central Inspection reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references, and costs. Based on this criteria, Fidelity Title was selected to provide title services. The estimated annual cost for title service from the three respondents were as follows – Columbian Title at \$66,450, O'Rourke Title at \$40,200 and Fidelity Title at \$15,820. All past prior experience with the firms and price, the renew committee selected Fidelity Title.

The contract will not obligate the City to any specific purchases or volume of purchases on title services, but provides the City the ability to obtain title and closing services from a qualified, cost-effective vendor. The contract provides for various types of title, abstract, and closing services to be provided at a fixed cost per item. The contract values quoted above are based on the per unit prices quoted by the title companies and the volume of services that are anticipated to be required in the coming year. The actual amount could be greater or less based on actual volume.

The contract will be for one year with annual renewal options for an additional two years.

Motion --
-- carried

Knight moved Fidelity Title Company be approved and the necessary signatures be authorized. Motion carried 7 to 0.

POLICE EQUIPMENT PURCHASE COMMUNICATIONS EQUIPMENT - POLICE DEPARTMENT.

Agenda Report No. 99-854.

The Police Department has requested 17 mobile radios for the support of general police activities. The radios will be used to help better communicate while conducting official operations.

The equipment to be purchased must be compatible to the 800 MHz trunked communication system operated by the Sedgwick County Department of Emergency Communications. The equipment must be integrated into the shared mobile relay to provide efficient and dependable range and clarity of communications. To be compatible with the existing 800 MHz system (which was purchased from Motorola) and fully integrated, the needed equipment is available only from Motorola Communications and Equipment.

The purchase of this radio equipment will cost \$43,175.07. On July 13, 1999, the City Council approved a revised budget for the 1997 Local Law Enforcement Block Grant that included funding for the replacement of 800 MHz police radios.

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Motion --

Knight moved that the purchase of radio equipment from Motorola Communications and Equipment in the amount of \$43,175.07 be approved under the provisions of the Purchasing Ordinance for sole source of supply. Motion carried 7 to 0.

-- carried

COMPUTER EQUIP.

PURCHASE UPGRADED COMPUTER EQUIPMENT – LIBRARY.

Agenda Report No. 99-855.

These purchases fulfill the guidelines of the Library's Comprehensive Technology Plan for replacing under-configured equipment with hardware and software that better meets the needs of library customers and staff. The request will replace public use workstations in the Westlink, Rockwell, Seneca, Marina Lakes and Maya Angelou Northeast Branches, one public use workstation in the Central Library's Business & Technology Section and two staff workstations in each of the Library's district branches (Westlink & Rockwell).

Branch library public use computers were installed in 1994 and are no longer capable of supporting the most commonly requested word-processing and spreadsheet software. Staff workstations in these same branches are equally under-configured and unable to support the City's office software standard as well as reference Internet access. Some of the Business & Technology Section's CD-ROM tools now require hardware beyond what currently exists for public use in that area of the Central Library. Cathy Holdeman has supported this request on behalf of the MIS team since the entire purchase proposal simply upgrades current workstations.

Using the Kansas contract with Gateway, the total cost for 10 workstations and two laser printers is \$15,356. The purchases will be funded by the Library's state aid grant.

Motion – carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

2000 GRANT PROGRAM FISCAL YEAR 2000 METROPOLITAN COMMUNITY CAPACITY BUILDING GRANT PROGRAM.

Agenda Report No. 99-856.

In late July of this year, the Kansas Department of Commerce and Housing released the guidelines for the department's FY 2000 Community Capacity Building Grant program. This is the same program through which the City of Wichita was awarded four grants last year for neighborhood planning purposes. The grant funds are meant to encourage collaborative community planning and implementation efforts. These grants are for metropolitan areas in Kansas. These are limited to the following counties and cities within: Douglas, Johnson, Leavenworth, Sedgwick, Shawnee and Wyandotte Counties. Eligible uses of funds include hiring consultants to develop plans and for implementation of existing plans.

There are several categories for project funding. The categories are:

1. neighborhood revitalization and plan implementation in blighted neighborhoods or neighborhood conservation planning and implementation
2. growth management for 2nd and 3rd class cities
3. inter-jurisdictional planning and implementation affecting more than one political jurisdiction
4. downtown revitalization planning
5. countywide hazard mitigation planning

The City adopted a Neighborhood Revitalization Plan in April of 1998. This plan meets the State of Kansas minimum requirements for a neighborhood revitalization or a conservation plan. Such a plan is a requirement for submission of a grant application under this program. Furthermore, a private organization or one private/public partnership organization must participate. The City's partnerships with the area neighborhood associations have met this requirement.

City staff has prepared five (5) new applications for grants under the FY 2000 program. Four of the grant requests are for planning grants to help develop neighborhood plans for the following areas of the City: the Delano neighborhood; the South Wichita area; the neighborhoods in the vicinity of 21st & Piatt (Northeast Millair and Power neighborhood association areas); and the McAdams neighborhood. The other grant request is for an implementation grant to assist with the implementation of the ongoing Center City neighborhood plan. This grant would be used to pay for preliminary design for housing, commercial uses, street design and landscaping. The

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funds could also be used for developing a land/building acquisition and relocation strategy. This is subject to the approval of the final recommendations of the present Center City consultant, said recommendations being due at the end of September.

These grants support the Neighborhood Revitalization Plan and the conservation and revitalization of other older neighborhoods in need. The grants would provide increased planning services in Council Districts 1, 3, 4 and 6.

The grants require a match from the City. The match requirement for the planning grants can be met (as was last year) through the budgeted staff allocations for neighborhood planning as identified in the work program and adopted budget for the Planning Department. The match for the implementation grant can be met with funds in the City's General Reserves fund. The Planning Department is administering the previously awarded grants and will also administer the new KDCH grants if awarded. The amounts being requested from the State and the City match requirements are listed in the following table:

NEIGHBORHOOD	GRANT AMOUNT	CITY MATCH
Northeast - 21st & Piatt area (planning grant)	\$15,000	\$ 5,000
Delano (planning grant)	\$15,000	\$ 5,000
South Wichita (planning grant)	\$15,000	\$ 5,000
Center City (implementation grant)	\$15,000	\$15,000
McAdams (planning grant)	\$15,000	\$ 5,000
Total	\$75,000	\$35,000

Motion --
-- carried

Knight moved that the applications and documents be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-329

A Resolution of the City of Wichita, Kansas, approving and supporting the submission of applications for the FY 2000 Metro Community Capacity Building Grants Program of the Kansas Department of Commerce and Housing, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES:

Agenda Report No. 99-857.

<u>Property Address</u>	<u>District</u>
4301 East Whitney	III
543 North Edwards	VI

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on October 12, 1999, at 11:00 a.m. be approved. Motion carried 7 to 0.

RESOLUTION NO. R-99-324

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Tract I; Lot 11 Block Q, Planeview Subdivision No. 1 being a subdivision in Section 2, Township 28 South, Range 1 east of the 6th principal Meridian, Wichita, Sedgwick County, Kansas, and Tract II; Lot 6, Block G, Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 east of the 6th Principle, Meridian, Wichita, Sedgwick County, Kansas, known as 4301 East Whitney, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-325

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 7-9 & N. 10 Ft. Lot 11, Block 12, J.O. Davidson's 2nd Addition to Wichita, Sedgwick County,

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Kansas, known as 543 North Edwards, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ADDENDUM ITEM 27a

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 99-871.

On July 7, 1999 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>District</u>
1563 North Belmont	I
1029 West 51st North	VI
4302-04 East Boston	III
2725 South Vassar	III
3321 East Roseberry	III
3357 East Roseberry	III
3808 East Roseberry	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions setting the public hearing for October 12, 1999, at 11:00 a.m. be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-317

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 7, Block R, University Park, Wichita, Sedgwick County, Kansas, known as 1563 North Belmont, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-318

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 14, on Avenue C, in Urbandale, Sedgwick County, Kansas, known as 1029 West 51st North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-319

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 70, Block C, Hilltop Manor Subdivision, a replat of Hilltop Manor and Hilltop 2nd Addition, Wichita, Sedgwick County, Kansas, known as 4302-04 East Boston, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-99-320

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 37, Block J, in Planeview Subdivision No. 1, in Section 2, Township 28 South, Range 1 east of the 6th Principal Meridian in Sedgwick County, Kansas, known as 2725 South Vassar, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-321

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 21, Block J, Planeview Subdivision No. 1, in Section 2, Township 28 South, Range 1 east of the 6th Principal Meridian, Sedgwick County, Kansas, known as 3321 East Roseberry in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-322

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 22, Block J, in Planeview Subdivision No. 1, in Section 2, Township 28 South, Range 1 east, of the 6th Principal Meridian, Sedgwick County, Kansas, known as 3357 East Roseberry, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-323

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 46, Block E, Planeview Subdivision No. 1, Sedgwick County, Kansas, known as 3808 East Roseberry, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

H.O.P.E., INC.

H.O.P.E. INC. – RESOLUTION OF SUPPORT FOR TAX CREDITS. (Districts I and VI)

Agenda Report No. 99-858.

June 22, 1999, in accordance with City Council Resolution No. R-95-479, the City Council held a public hearing regarding a request for a letter of support in connection with the application for Low Income Housing Tax Credits (LIHTC) by H.O.P.E., Inc. (HOPE). HOPE has applied for \$354,391 in tax credits, in order to fund the renovation of the organization's 72 rental units. The project includes properties located at 420 N. Topeka, 401-403-405 E. 3rd, and HOPE Village, which is located near Hillside and 13th Street North. Prior to the public hearing, HOPE notified property owners adjacent to the proposed projects, in compliance with the aforementioned resolution. Following the public hearing, the Council voted to authorize the Mayor to sign a letter of support for the project.

Following issuance of the letter of support, staff was notified by HOPE's tax credit consultant that the State of Kansas now requires a formal resolution from local governing bodies, in connection with proposed tax credit projects, rather than simply a letter of support from the Mayor. Staff verified the requirement with State housing staff, and drafted a resolution in accordance with the State's requirements. The resolution includes language to the effect that the City is in need of housing, and that the resolution will continue to be effective until the units are rehabilitated.

Low Income Housing Tax Credits are part of the financing package for the renovation of the HOPE properties.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-99-330

A Resolution in support in connection with the application for Low Income Housing Tax Credits by H.O.P.E., Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 17, 1999)

- a. Issuance of industrial revenue bonds – Ritchie Companies. (District V)

ORDINANCE NO. 44-314

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$3.6 million for the purpose of providing funds to acquire, construct, and equip a corporate headquarters facility as an addition to an existing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the bonds; prescribing the form and authorizing execution of a lease agreement by and between MTG, L.L.C. and the City; approving the sublease of the project to Ritchie Companies, Inc.; approving the form of a guaranty agreement; and authorizing the execution of a bond placement agreement by and among the City, MTG, L.L.C. and General Electric Capital Business Asset Funding Corporation, as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Amendment of Section 5.68.140 – lewd and lascivious behavior.

ORDINANCE NO. 44-316

An Ordinance amending Section 5.68.140 of the Code of the City of Wichita, Kansas, pertaining to lewd and lascivious behavior and repealing the originals of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. Airport Authority governance structure.

ORDINANCE NO. 44-315

An Ordinance of the City of Wichita pertaining to membership and governance of the Wichita Airport Authority; creating Sections 2.12.1053, 2.12.1054, 2.12.1055, and 2.12.1056 of the Code of the City of Wichita; amending Sections 2.12.1042, 2.12.1049, 2.12.1051 of the Code of the City of Wichita; and repealing the original of said Sections and also repealing Sections 2.12.1043, 2.12.1044, 2.12.1045, 2.12.1046, and 2.12.1047 of the Code of the City of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- d. Amending Ordinances Douglas Avenue Bridge over the Arkansas River and Hillside improvement – from 27th Street North to 37th Street North. (Districts I, IV, and VI)

ORDINANCE NO. 44-317

An Ordinance amending Ordinance No. 43-352 of the City of Wichita, Kansas, declaring Hillside, from 27th Street North to 37th Street North (472-82781) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-318

An Ordinance amending Ordinance No. 43-672 of the City of Wichita, Kansas, declaring Douglas Avenue Bridge over the Arkansas River (472-82721) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said

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improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

e. Z-3273 – northwest corner of Meridian and 61st Street North. (District VI)

ORDINANCE NO. 44-319

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3273

f. A 99-5 - north and south of 37th Street North, between Broadway and Hillside Avenue. (Districts I & VI).

ORDINANCE NO. 44-320

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-5

g. A 99-28 - northwest corner of Meridian Avenue and 61st Street North. (District VI)

ORDINANCE NO. 44-321

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-28

h. A 99-29 - north side of U.S. Highway 54 between 127th Street East and 143rd Street East. (District II)

ORDINANCE NO. 44-322

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-29

CHARTER ORDINANCES. (FIRST READ AUGUST 17, 1999)

a. Airport Authority governance structure.

CHARTER ORDINANCE NO. 178

A Charter Ordinance of the City of Wichita pertaining to the membership and governance of the Wichita Airport Authority; exempting the City of Wichita from provisions of K.S.A. 3-163, 3-164, and 3-165; and repealing Charter Ordinance Nos. 137 and 169, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b. Vehicle expenses.

CHARTER ORDINANCE NO. 179

A Charter Ordinance of the City of Wichita, Kansas; amending Sections 1, 2, and 3, of Charter Ordinance No. 148; pertaining to vehicle expenses and repealing the original sections thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 31-35 and 38-41 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that Planning Agenda Items 31-35 and 38-41 be approved as consensus Items.
-- carried Motion carried 7 to 0.

V-2186

V-2186 - VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT 143RD STREET EAST AND CENTRAL AVENUE, 14821 SHARON LANE. (District outside City of Wichita)

Agenda Report No. 99-859.

Staff Recommendation: Approve vacation of a portion of a utility easement.
MAPC Recommendation: Approve vacation of a portion of a utility easement. (unanimous)

The applicant is requesting to vacate 15 feet of the 40-foot platted utility easement for the construction of a swimming pool.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The area requested to be vacated was reduced to the north 15 feet of the 40-foot utility easement, from the original 20-foot request to avoid utility conflicts. The applicant verified the location of the sewer line and obtained approval from County Public Works prior to this application being scheduled.

This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council..

Motion -- Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

V-2188

V-2188 - PUBLIC HEARING REQUEST TO VACATE FIVE 20-FOOT DRAINAGE EASEMENTS LOCATED EAST OF MERIDIAN AND NORTH OF 45TH STREET NORTH. (District VI)

Agenda Report No. 99-860.

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicants are requesting to vacate five (5) 20-foot drainage easements centered on common lot lines within Harbor Isle Second Addition. The applicant does not require these easements for further development of this property.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

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S/D 98-87

S/D 98-87 - PLAT OF PHILLIPS 66 KELLOGG AND TYLER ADDITION LOCATED ON THE NORTHEAST CORNER OF KELLOGG AND TYLER. (District V)

Agenda Report No. 99-861.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned LC, Limited Commercial. A petition, 100%, has been submitted for sanitary sewer improvements. City water is currently available.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-331

Resolution of findings of advisability and Resolution authorizing construction of Lateral 59, Main 4, Southwest Interceptor Sewer (north of Kellogg, east of Tyler) Project No. 468-83023, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

S/D 99-14

S/D 99-14 - PLAT OF AUBURN HILLS CLUBHOUSE ADDITION LOCATED ON THE WEST SIDE OF 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 99-862.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This plat includes a reserve owned by the City of Wichita and intended for golf course facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 99-34

S/D 99-34 - PLAT OF WILLOWBEND NORTH ESTATES ADDITION LOCATED WEST OF ROCK ROAD, SOUTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 99-863.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This 41-lot plat is zoned SF-6, Single-Family Residential. Petitions, 100%, have been submitted for sanitary sewer, City water and paving improvements. A Certificate of Petitions has also been submitted. A letter of credit has been submitted to guarantee the construction of the private street. A restrictive covenant has been provided in order to provide for the ownership and maintenance of the reserves. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for such lot. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- -- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-332

Resolution of findings of advisability and Resolution authorizing construction of Water distribution System Number 448-89393 (west of Rock, south of 45th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-333

Resolution of findings of advisability and Resolution authorizing construction of Lateral 62, Main 9, Sanitary Sewer No. 23 (west of Rock, south of 45th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-334

Resolution of findings of advisability and Resolution authorizing improving of Cherry Hill Circle from the NL of Castle Pines to and including cul-de-sac; Castle Pine from the EL of Cherry Hill Circle to the EL of Barton Creek Drive; Castle Pines Branch, serving Lots 1 and 2, Block 5 and Lots 3 and 4, block 4, from the EL of Reserve B to the WL of Castle Pines; serving Lots 1 and 2, Block 4 and Lots 3 and 4, Block 3, from the EL of Reserve B to the WL of Castle Pines, and; serving Lots 1 and 2, Block 3, and Lots 5 and 6, Block 2, from the EL of Reserve B to the WL of Castle Pines, and; Sidewalk on the south and west sides of Castle Pines from the EL of Cherry Hill Circle to the EL of Barton Creek Drive, Project No. 472-83119 (west of Rock, south of 45th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

DP-50 #2 -
(Item No. 36)

DP-50 #2 - AMENDMENT TO PARCELS 4 AND 6 OF THE CARRIAGE HOUSE PLAZA C.U.P. TO ALLOW OUTDOOR VEHICLE SALES. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-864.

MAPC Recommendation: Approve, subject to conditions (11-0).
Staff Recommendation: Approve.
CPO Recommendation: Deny (6-0).

The applicant is requesting an amendment to Parcels 4 and 6 of the Carriage House Plaza C.U.P. to allow outdoor vehicle sales on a 10.79 acre platted tract of land located northeast of McCormick Avenue and Kellogg Frontage Road, and east of the existing Home Depot. Parcels 4 and 6 are currently limited to those uses permitted in the "LC" district. The Unified Zoning Code prohibits vehicle sales in the "LC" zoning classification unless a conditional use permit is acquired or an amendment is made to the applicable C.U.P.

North of the site are single-family homes on property zoned "SF-6". To the east are two-family homes, zoned "TF-3" and a recently vacated commercial building previously used as a furniture store on property zoned "LC". South, directly across Kellogg Frontage Road and Kellogg (US54) is Garnett Auto Supply on property zoned "LP" along with other commercial uses, included a used car lot. To the west, and part of the Carriage House Plaza C.U.P., is Home Depot on property zoned "GC" and "LC".

The applicant has submitted a site plan, which shows two vehicle sales lots, one with a 40,000 square foot building and the other with two smaller buildings totaling 40,150 square feet. Both lots have vehicle display and storage areas and customer parking. Staff notes that on the submitted site plan customer and employee parking is not adequate for the proposed use. The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot

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area used for vehicle sales, display, or storage purposes, and one space per 500 square feet of building area. If this amendment request is approved, the applicant will be required to submit a revised accurate drawing detailing the square footage of display and storage area for vehicles and the parking spaces designated for customer and employee parking. Access to the two lots will be off of Kellogg Frontage Road. Parcel 6 will have independent access and Parcel 4 will have shared access with Parcel 5.

Staff notes a discrepancy between the current Carriage House Plaza C.U.P. and the recorded plat. Article 7-204(B) of the Wichita-Sedgwick County Subdivision Regulations states that, "[f]or subdivisions which are subject to the provisions of Commercial Community Unit Plans, the perimeters of proposed lots shall match the perimeters of C.U.P. parcel boundaries." If this amendment request is approved, the applicant will need to show compliance with the Subdivision Regulation by submitting a revised C.U.P. On the Carriage House Plaza C.U.P. Parcel 3 will increase from 11.10 acres to 11.55 acres? to accommodate a discrepancy between the recorded plat and C.U.P.

It is the understanding of staff that Parcel 4 will be lot split into three lots. The first lot will be the existing drainage easement (currently at the north side of Parcel 4), which will be retained and maintained by Home Depot. The second lot will coincide with Lot 1 on the submitted site plan, and the third lot will coincide with Lot 2 on the submitted site plan, excluding the current Parcel 6. The revised C.U.P. will need to show these changes prior to lot split approval.

At the CPO (5) meeting held July 14, 1999, the CPO voted 6-0 to deny the request. The agent, Tim Austin, presented the project to the CPO, explaining the site plan, which included two separate car lots each with 40,000 square feet of building space, additional display area, and automobile storage areas. There were ten residents that spoke in opposition to the request. A summary of their concerns is as follows: a) increased traffic congestion, b) existing drainage problems, c) excessive lighting, d) negative impact upon the neighborhood, e) noise pollution, f) hours of operation, g) elevation of the site, h) "cut through" residential traffic, i) safety concerns of school children (Mary Benton Elementary, j) semi-trucks in residential areas, and k) test driving vehicles in residential areas.

At the MAPC hearing held July 15, 1999, the applicant's agent discussed the request. There were four residents who spoke in opposition of this request, essentially stating the same concerns that were brought up at the CPO meeting. An Assistant Manager from Davis-Moore Automotive spoke to some of these concerns, specifically to limiting the area available to their salesmen for customer test-drives. After discussion, the MAPC voted to approve the request, subject to conditions stated in the staff report. The Planning Commission further stipulated the following conditions: a) the applicant shall have a 20-foot landscape buffer with a double-row of evergreen trees along the north end of the parcel that does not abut the drainage easement, b) the north portion of the parcel that abuts the drainage easement shall have a single row of evergreen trees, and c) any lighting within 200 feet of a residential area shall be limited in height to 15 feet. Petitions protesting the proposed CUP Amendment from owners who represent 47 % of the property within 200 feet of the site have been received. However, CUP applications are not subject to super-majority votes due to protests unless accompanied by a rezoning request.

Council Member Pisciotte	Council Member Pisciotte expressed concern with drainage matters.
Marvin Krout	Director of Planning explained that the drainage plan was approved by City Engineering.
Council Member Martz	Council Member Martz said a major concern is that the drainage was not completed but that, with completion of the plan by Home Depot, the drainage will be taken care of. Lighting will not be a nuisance as there will be no elevated lighting or search lights. The property does need to be mowed.
Motion -- -- carried	Martz moved that the Council concur with the findings of the MAPC and approve the conditional use to allow vehicle sales, subject to the recommended conditions. Motion carried 7 to 0.

PUD #10
(Item No. 37)

PUD #10 - PLANNED UNIT DEVELOPMENT FOR ASSISTED-LIVING FACILITY GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF 13TH STREET NORTH AND MAIZE.
(District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-865.

MAPC Recommendation:	Approve, subject to conditions.
CPO Recommendation:	Approve, subject to conditions enumerated in Staffreport.
Staff Recommendation:	Approve, subject to conditions.

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The applicant requested a Planned Unit Development (PUD) to permit an assisted living facility on 4.5 acres currently zoned SF1-6, Single-Family. The unplatted application area is located approximately 750 feet west of the southwest corner of the 13th Street North and Maize road.

Council Member Martz Council Member Martz said the subject of drainage keeps coming up. There is some drainage from existing apartment buildings. The construction of this building will help correct the situation.

The lighting will also be held down.

Motion -- Martz moved that the Council concur with the findings of MAPC; approve the zone change to PUD, subject to Platting within one year and the recommended conditions; and the Ordinance be forwarded on first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.
-- carried

Z-3325 & DP 243

Z-3325 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY AND "LC" LIMITED COMMERCIAL TO "GO" GENERAL OFFICE AND "LC" LIMITED COMMERCIAL; AND DP-243 - REQUEST FOR THE CREATION OF THE SMITHMOOR COMMERCIAL C.U.P., LOCATED SOUTH OF HARRY AND WEST OF GREENWICH. (District II)

Agenda Report No. 99-866.

MAPC Recommendation: Approve, subject to conditions (9-0).
Staff Recommendation: Approve, subject to conditions.
CPO Recommendation: Approve (5-0).

The applicant is requesting to create DP-243 Smithmoor Commercial CUP and rezone the 23.8 acres from "SF-6" Single-family to "LC" Limited Commercial and "GO" General Office. This site is located at the southwest corner of Harry and Greenwich.

The applicant has submitted a drawing, which shows the 23.8 acres, divided into nine separate parcels. Parcel 1 (177,594 square feet) would be limited to all uses permitted in the "GO" General Office district. Parcel 2 (60,979 square feet), Parcel 3 (267,849 square feet), Parcel 4 (59,412 square feet), Parcel 5 (51,802 square feet), Parcel 6 (133,833 square feet), Parcel 7 (85,839 square feet), Parcel 8 (52,500 square feet) and Parcel 9 (52,500 square feet) would be limited to those uses in the "LC" Limited Commercial district, except for adult entertainment, taverns, drinking establishments and night clubs. All parcels would be limited to 30 percent floor area ratio.

The applicant is requesting one access opening to Harry from Parcel 1 and two additional openings to the commercial portion of the CUP, and all of these would be permitted full turning movements. The applicant is requesting two full openings to Greenwich. Staff has met with the applicant and agreed upon these access controls and the following traffic improvements: left turn lanes and decel/accel lanes to the major openings as shown on the CUP drawing as well as 12 and ½ percent of the cost of signalization at Harry and Greenwich.

As submitted by the applicant, the required masonry wall would not be constructed along the south line of Parcel 1, nor along the west property line of Parcel 1, but would be constructed along the east property line of Parcel 3 and along the south property line of Parcel 3, 6, and 9. There is a public street and a hedgerow along the west property line of Parcel 1 which should provide sufficient screening and buffering of the residential properties to the east. This wall would be constructed once a building permit is issued for any portion of Parcel 3, 6, or 9.

This request would permit Parcels 1, 2, 3, 4, 5, and 7 to have one free standing monument type sign on Harry and Parcels 6, 7, 8, and 9 to have one free standing monument type sign on Greenwich. All signs would be required to be spaced 150 feet apart. The applicant has provided the now standard architectural control language.

There are single family homes located to the west of this property, zoned "SF-6." South of the property is land developing with single-family homes, zoned "SF-6." There is a construction storage facility and a single family home located to the north on property zoned "SF-6" and "LC." East of the property are single family homes and a church, zoned "SF-6."

At the July 26th CPO 2 hearing, the applicant's agent reviewed the request. Several neighbors expressed concerns about this request which included the following: a) how drainage in the area would be impacted, b) if all neighbors had received information about this case, c) traffic issues related to limited exits; and d) what types of businesses

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are considered "limited commercial" that might create issues for the neighborhoods. After discussion, the CPO Council voted unanimously to approve this request.

At the July 29th MAPC hearing, the applicant was present to explain the request. One neighbor expressed concerns about the potential for drainage problems in the area, which was explained to him will be answered at the time of platting. After limited discussion, the MAPC approved the request unanimously.

Motion --

-- carried

Knight moved that the Council concur with the findings of MAPC; approve the zone change and C.U.P. subject to recommended conditions; and the Ordinance be forwarded for on first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

DP-244 & Z-3326

DP-244 - APPROVAL OF ASHLEY TOWNE CENTRE COMMERCIAL COMMUNITY UNIT PLAN; AND Z-3326 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL, "B" MULTI-FAMILY AND "GO" GENERAL OFFICE TO "LC" LIMITED COMMERCIAL, LOCATED APPROXIMATELY 1,200 FEET WEST OF RIDGE ROAD ON THE SOUTH SIDE OF MAPLE. (District V)

Agenda Report No. 99-867.

MAPC Recommendation: Approve, subject to conditions and subject to platting within one year (9-0).
Staff Recommendation: Approve, subject to conditions and subject to platting within one year.
CPO Recommendation: Approve, subject to MAPD staff recommendations (6-1).

The applicant is requesting approval of the Ashley Towne Centre Commercial Community Unit Plan as DP-244, and that the property be rezoned to "LC" Limited Commercial. The application area is a portion of the existing DP-37 Ridge Plaza C.U.P. Approval of this application would supercede the approved C.U.P. for DP-37 for the application area.

The proposed C.U.P. contains a gross area of 19.0 acres and a maximum building coverage of 248,364 square feet of gross floor area (30 percent maximum building coverage). The site is located near the intersection of Maple and Ridge, and is visible to traffic travelling along Kellogg. The applicant intends to capitalize on this visibility to create a new major planned retail center that would serve residents living on the western side of Wichita or travelling along Kellogg.

The C.U.P. contains four parcels. Parcel 1 occupies the western portion of the C.U.P. and is intended to accommodate a retail commercial center with up to eight buildings, connected together, most being 10,000 to 30,000 square feet in size. According to the developer's concepts, the buildings on the end of the center will be oriented to the east and the buildings in the middle will be turned on a 45° angle with facades that face southeast toward University Drive. This gives visual clues that University is to be a major entrance to the shopping center, and provides visual orientation toward the center for westbound Kellogg and northbound Ridge Road traffic. The turning of the buildings on an angle also screens loading areas from Maple and provides an interesting architectural element.

The remaining parcels are shown as three out-parcels located on the eastern portion of the application area. Parcel 2 is designed as a pad site with one building permitted. Parcel 3 is designed as a pad site also, but with a maximum of two buildings permitted. The developer has indicated both of these pad sites would be ideal for a restaurant or for financial institutions. Parcel 4 is proposed as a single pad site with a 30,000 square footage to be used in up to three buildings or, alternatively, as two pad sites. This gives some flexibility to the developer in tailoring the out-parcels to the needs of potential retail users for the sites. Drive-up window service and in-vehicle food service have been excluded from all parcels.

Setbacks are shown at 35 feet on the C.U.P. Maximum height restrictions are set at 35 feet for Parcels 1-4; except that a portion of Parcel 1 would allow 30 percent of the gross floor area to be 40 feet in height in order to accommodate lofts and second stories in the retail center. This change should not enable an increase in the overall amount of retail floor area on the site. A revised site plan should change the parcel descriptions to include identification of gross area, maximum gross floor area, and floor area ratio, and the gross floor area should be the same as the square footage allowed for maximum building coverage.

A screening wall of six to eight feet in height, constructed of brick, stone, masonry, architectural tile or other similar material, is required along the western property line since it is adjacent to property zoned "SF-6" Single Family (in this case, Mary Benton Elementary School), and has been included in the revised C.U.P. plan.

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The applicant has shown two openings onto Maple Street, a four-lane arterial. The eastern entrance aligns with Ashley Park. The western entrance is approximately 400 feet to the west. Both are considered major entrances and would necessitate right and left turn lanes on Maple. The applicant has agreed to provide right turn lanes into both of these entrances, and has agreed to construct a left turn lane from its current terminus east of the property along Maple to the western entrance to the development.

The applicant intends University to be the primary point of access for patrons northbound from Ridge and Kellogg. University is a local non-residential street and does not have access restrictions. Its name switches to Taft at a curve east of the application area, and has a signalized intersection with Ridge approximately half the distance between Kellogg and Maple. This signalized intersection would be the most direct entrance to Ashley Towne Centre for traffic northbound on Ridge from Kellogg. Currently, Taft/University is constructed with two wide lanes, but with sufficient width to add a third lane. The applicant has agreed to stripe University, and has designated complete access control except for three openings onto University, with a minimum separation of 250 feet between openings.

The proposed internal circulation includes circulation drives connecting Maple with University. The internal circulation feeds both roads toward the middle of the tract, where a traffic circle serves as a traffic-calming device and allows easier crossing of the road by pedestrians. A network of pedestrian walks connects the retail center with the pad sites, with the main connection radiating from the traffic circle.

Signage consists of one monument sign along Maple and one pole sign along University for identification purposes of 150 square feet each. Additional signage includes two directional signs for each parcel, and 100 square feet of signage for Parcels 2, 3 and 4, with the signage on Parcels 3 and 4 being on the parcels instead of along Maple or University.

The surrounding land to the north across Maple is zoned "SF-6" Single-Family Residential, and is developed with Ashley Park Addition. A large residential tract fronting onto Maple is zoned "SF-6" and occupied by Brown's Botanicals. To the west are more single family residences. Mary Benton Elementary is located on the western property line of the C.U.P. and is zoned "SF-6." Ridge Plaza borders the tract to the south and is zoned "LC" Limited Commercial. There are a number of commercial/office uses in the area, including Typed Letter Corp., Pitney-Bowes, several office buildings, and a gymnastics facility. The eastern edge of the site is bordered by a drainage channel, with Lowe's being located between the drainage channel and Ridge Road.

At the CPO(5) meeting held July 14, 1999, there were approximately 40 citizens in attendance. Those who addressed the Council expressed concerns, including safety of school children attending Mary Benton Elementary, increased traffic congestion, change in character of the neighborhood, and "cut through" traffic. Brian Stuart, president of the Ashley Park Homeowners' Association, indicated that his board had met with the agent and prefers this proposal to high-density apartment buildings. The majority of the CPO Council felt that the area will develop regardless of this request and there will be additional traffic congestion. The members preferred the upscale development to other possibilities.

The matter was discussed and deferred at the MAPC meeting on July 14, 1999. At the MAPC meeting on July 29, 1999, MAPC voted (9-0) to approve, subject to the conditions recommended by staff, as revised. The main discussion related to traffic improvements on Maple, the number of openings on University, and to architectural controls.

Motion --

-- carried

Knight moved that the Council concur with the findings of MAPC; approve the zone change and C.U.P, subject to recommended conditions and subject to the condition of platting within one year; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

Z-3327 & CU-529

Z-3327 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL; AND CU-529 - REQUEST FOR A CONDITIONAL USE TO ALLOW A MULTI-FAMILY DEVELOPMENT (TRIPLEX), LOCATED NORTH OF 10TH STREET ON THE EAST SIDE OF RICHMOND. (District VI)

Agenda Report No. 99-868.

MAPC Recommendation: Approve, subject to conditions (10-0).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD comments (5-0).

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The applicants are requesting a zone change and Conditional Use to allow the construction of triplexes on vacant property currently zoned "SF-6" Single-Family Residential District, located north of 10th Street and west of Meridian on the east side of Richmond Street. The property consists of one half of one platted lot fronting on Richmond and is 66 feet wide and 126.56 feet deep, or 8,352 square feet.

The applicants are proposing to develop one building with three dwelling units. The site would have access to Richmond Street with parking provided on site. The site plan shows 3 parking spaces provided in the parking lot and each dwelling unit having a one-car garage, for a total of 6 parking spaces on-site. The number of parking spaces shown on the site plan are sufficient to meet the number of required spaces for a multi-family development (6). This site will be required to meet the requirements of the Landscape Ordinance.

The Unified Zoning Code permits multi-family projects in the "TF-3" Two-family Residential District if reviewed and approved by the Planning Commission in accordance with the procedures and standards for Conditional Uses. The Code establishes a minimum lot size of 3,000 square feet per dwelling unit for multi-family and duplex units, which is a maximum of 14.5 dwelling units per net acre. The Code also requires a minimum front setback of 25 feet and maximum height of 35 feet. The Landscape Ordinance requires a Multi-Family development to be separated from Single-Family Districts and Two-Family Districts by a 15-foot landscape buffer.

If these requests for a zone change and Conditional Use are approved, the Planning Director must also approve the applicants' request for an Administrative Adjustment to decrease the minimum lot size required by 10%.. At the CPO(6) meeting held July 28, 1999, the CPO voted 5-0 to approve the request subject to conditions found in the staff report. The applicant, Wes Pechin, state that this project would be identical to four units that he has built on adjacent property to the north and parking would be on-site. No citizens were present to speak.

At the MAPC hearing held July 19, 1999, the co-applicant, Paula Pechin, discussed the request. Ms. Pechin stated that she was in agreement with the staff recommendation and conditions. After minimum discussion, the MAPC voted to approve the request, subject to the conditions found in the staff report.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3327

Z-3328

Z-3328 - ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL AND "SF-6" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED APPROXIMATELY 500 FEET NORTH OF DOUGLAS, WEST OF WEST STREET, 131 NORTH WEST STREET. (District IV)

Agenda Report No. 99-868.

MAPC Recommendation: Approve, subject to platting within 1 year (9-0).
Staff Recommendation: Approve, subject to platting within 1 year and conditions.
CPO Recommendation: Approve (7-0).

The applicant requests a zone change from "B" Multi-Family and "SF-6" Single-Family Residential Districts to the "LC" Limited Commercial District for the 1.03 acre platted Lot 1, Block 24, Parkwilde Addition, located between Douglas Avenue and 2nd Street on the west side of West Street. The northern edge of this property includes 30 feet of previously vacated Academy Avenue (First Street). The lot is currently vacant and has 150 feet of frontage along West Street. The applicant, and owner of S & D Equipment Company two lots to the north, requests the rezone in order to expand his existing business to accommodate lawn-mower repair, sales, and service.

The subject property is bordered by Taylor-Made Transmissions on the north, a dentist's office across West Street on the east, vacant multi- and single-family zoned land on the south, and a single-family home that fronts onto Florence on the west. The surrounding zoning and land uses are predominantly commercial to the north and east and there is strong commercialization along West Street between Douglas and Central.

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At the CPO(4) meeting held July 22, 1999, the CPO voted 7-0 to approve the request subject to conditions found in the staff report. The agent for the applicant, Robert Kaplan, presented the request to the Council and stated that his applicant was in agreement with the staff recommendation. No citizens were present to speak on this request.

At the MAPC hearing held July 29, 1999, the applicant's agent stated that he was in agreement with the staff recommendation and conditions, but asked that the subject of access control be held off until the platting process. Staff agreed with this. After brief discussion, the MAPC voted to approve the request subject to conditions found in the staff report.

Motion --

Knight moved that the Council concur with the findings of MAPC; and approve the zone change subject to Platting within one year and subject to the recommended conditions; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3328

(Item #42)

99-26

99-26 APPEAL OF DENIAL TO PAINT PREVIOUSLY UNPAINTED YMCA BUILDING AT 402 NORTH MARKET STREET. (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-870.

HPB Recommendation: Denial of Certificate of Appropriateness Application 99-26, Item 3 – Painting brick building (3-2).

Staff Recommendation: Deny Certificate of Appropriateness Application 99-26, Item 3.

The downtown YMCA is requesting approval to paint the red brick building at 402 N. Market Street as part of the overall renovation of the complex. The property is within the "environs" (500 feet, parcel line to parcel line) of the Federal District Courthouse (U. S. Post Office), 401 North Market, which is listed in the National Register of Historic Places. Under the Agreement between the Kansas State Historic Preservation Officer and the City of Wichita: Performance of project reviews under K.S.A. 1995 75-2724, the State has delegated responsibility to the City's Historic Preservation Board to make the official determination that a "proposed project will encroach upon, damage, or destroy any historic property included on the National Register of Historic Places or the Kansas Register of Historic Places or the environs of such property" (Item 2 of the Agreement executed October 21, 1997).

On June 14, 1999, the Historic Preservation Board reviewed the entire project: Item 1 – install spandrel glass to screen HVAC system above front entrance on the west side of the building; Item 2 – replace all window and door glass with vision glass; Item 3 – paint the entire building off white; and Item 4 – incorporate a new sign. There was discussion regarding the painting of the building. The HPB would consider the painting of the building, if it were painted a red brick color. The YMCA representatives said they wanted to paint the building off-white to give it a new look. A motion to approve the application resulted in a tie vote and failed to pass. A second motion to approve Items 1, 2, and 4 and defer Item 3 to the July 12 HPB meeting was approved unanimously. The HPB asked the YMCA representatives to provide more information at the next meeting.

At the July 12, 1999 HPB meeting, Item 3 was reconsidered. During the discussion, the YMCA representatives again stated their reason for wanting to paint the building to create visual cohesiveness and give the building a 1990's contemporary look. Over the years, building additions have been constructed using different colored brick and buff colored metal sheathing. One board member commented that the cohesiveness could be achieved by painting the metal component of the building a color to match the existing red/brown brick, and although the building itself is not considered historic, that the Secretary of Interior's Standards for Rehabilitation should be followed, which states that unpainted brick should not be painted. Fearey and Guy concurred with Cavanaugh's comments. The YMCA representatives were asked if they would consider this option. At this time they wanted to go forward with the project as originally presented. A motion was made by Cavanaugh, with a second by Guy to deny Item 3 of Certificate of Appropriateness 99-26. The motion was approved (3-2). The applicant is appealing this decision to the City Council.

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Staff provided an evaluation of the request citing Standards and Guidelines for Environs Review 1998, and the Standards and Guidelines for Evaluating the Effect of Projects on Environs, 1998 Edition adopted and published by the Kansas State Historic Preservation Office was the basis for the Preservation Board's denial.

"While the issue of materials and design may be discussed in relationship to compatibility with the environs and impact on the listed property, personal opinions regarding the aesthetics of a proposed project are not germane." - Introduction, Guidelines for Evaluating the Effects of Projects on Environs.

HPB Justification: Painting the building would significantly alter the character of the 1958 structure. The purpose for painting was to "achieve a modern look" which is inappropriate for a primary structure within the environs. "The orientation, height, form, massing, scale, setback, material, color, and architectural style of primary structures contribute greatly to the character of a property's environs."

Staff also cited the Secretary of the Interior's Standards for Rehabilitation regarding painting previously unpainted masonry. "Not Recommended - Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance."

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard.
Burke Jones	Burke Jones, architect representing the YMCA Board, said environs of the area also contain a number of off-white buildings and the Board is asking to do an off-white/tan color.
Mayor Knight	Mayor Knight said the denial is unnecessarily intrusive and there is no basis as to significance of painting the building.
Council Member Pisciotte	Council Member Pisciotte said new buildings are not required to comply with color schemes and this is not in the best interest of the development of this building.
Council Member Rogers	Council Member Rogers stated that government should not dictate the color of buildings.
Council Member Cole	Council Member Cole said responsibility for the preservation and restoration was delegated to the Secretary of the Interior. The standards were federal and were handed down to the states which, in turn, handed down to Historic Preservation Boards. The Board was asked to vote that no feasible and prudent alternative exists. There are alternatives available.
Motion -- -- carried	Knight moved that the City Council support the YMCA Board's contention that the color scheme selected is crucial to the successful continuation of the YMCA mission in the community. Motion carried 6 to 1. Cole - no.

EXECUTIVE SESSION

Motion -- -- carried	Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice; personnel matters of non-elected personnel; and the regular meeting be resumed at 12:00 p.m. in the City Council Chambers. Motion carried 7 to 0.
RECESS	The City Council recessed at 11:15 and reconvened at 12:05 p.m.
Mayor Knight	Mayor Knight announced that no action was necessary as a result of the executive session.
ADJOURNMENT	The City Council meeting adjourned at 12:05 p.m.

Pat Burnett CMC
City Clerk